

**REMARKS**

**I. Status of the Claims**

Claims 18-51 and 55-70 are pending in this application. Claims 1-17 and 52-54 are cancelled, and claims 18, 28, 30, 32, 47, 49, 55, 57, 59, 61, 63, 66, and 68 are amended herein.

Claim 18 is amended to recite the subject matter of cancelled claim 1, and claim 55 is amended to recite the subject matter of cancelled claims 53 and 54. Claims 28, 30, 32, 47, 49, 57, 59, 61, 63, 66, and 68 are amended accordingly to correct dependency. Support for the amendments herein may be found in the original claims and throughout the specification as-filed. As such, no new matter is added.

Applicant thanks the Office for acknowledging allowable subject matter in claims 18-51 and 55-70. Office Action at page 10. The independent claims have been amended to include the allowable subject matter therein. For these reasons, and the additional reasons discussed below, this case is in condition for allowance.

**II. Information Disclosure Statement**

The Office states that “[a]ll NPL documents including 572 publications listed [on] 37 pages of the IDS have been crossed out by the Examiner because many NPL documents did not provide the publication date. . . . Appropriate correction for undated publications is required in the reply to this Office Action.” *Id.* at 4-5.

In response, Applicant submits a copy of the “Substitute for form 1449A/PTO” of the IDS filed on December 19, 2007, that crosses out the non-patent literature references lacking the appropriate identifying information (i.e., the date). Applicant respectfully requests that the Office consider the listed references and indicate that they

were considered by making appropriate notations on the attached Substitute for form 1449A/PTO. See M.P.E.P. § 609.

**III. Double Patenting**

The Office rejects claims 1 and 52 on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claim 1 of U.S. Patent No. 7,188,033. Office Action at pages 2-3. The Office also rejects claim 53 on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claim 113 of copending U.S. Application No. 11/596,218. *Id.* at 3. Applicant cancelled claims 1, 52, and 53. As such, the rejections are moot, and Applicant respectfully requests that they be withdrawn.

**IV. Rejection under 35 U.S.C. § 112, Second Paragraph**

The Office rejects claims 16 and 17 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. *Id.* at 5. As claims 16 and 17 have been cancelled, this rejection is moot and Applicant respectfully requests that it be withdrawn.

**V. Rejection under 35 U.S.C. § 103**

**A. Claims 1-15 and 52**

The Office rejects claims 1-15 and 52 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,690,705 to Maksimov et al. ("Maksimov") in view of JP 2002008892 to Shimazu ("Shimazu"). *Id.* at 6. As claims 1-15 and 52 have been cancelled, this rejection is moot and Applicant respectfully requests that it be withdrawn. withdrawn.

**B. Claims 53 and 54**

The Office rejects claims 53 and 54 under § 103(a) as unpatentable over Mills (*Int. J. Hydrogen Energy*, 2002) ("Mills") in view of Shimazu. *Id.* at 9. As claims 53 and 54 haven been cancelled, Applicant submits that this rejection is moot and respectfully requests that it be withdrawn.

**VI. Conclusion**

In view of the foregoing amendments and remarks, Applicant requests that the Office withdraw the rejections and grant the timely allowance of all the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

*/Louis Troilo/*

Dated: January 25, 2010

By: \_\_\_\_\_  
Louis M. Troilo  
Reg. No. 45,284  
(202) 408-4000

**Attachment:** copy of Information Disclosure Statement "Substitute for form 1449/PTO" filed on December 19, 2007.